

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MICHAEL FARCIGLIA, et al.,

Plaintiffs,

ORDER AND STAY

06-CV-6090L

v.

MERCK & CO., INC.,

Defendants.

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KRISTIE L. MARACLE, Individually and as  
Administratrix of the Estate of Roderick R. Neal,  
deceased,

Plaintiff,

v.

06-CV-6091L

MERCK & CO., INC., et al.,

Defendants.

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On February 14, 2006, Merck removed these two negligence and product liability actions from New York State Supreme Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

Merck has filed motions to stay the actions pending the issuance of conditional orders by the Judicial Panel on Multidistrict Litigation (“JPML”) transferring the cases as “tag-along” actions to

*In re Vioxx Marketing, Sales Practices and Products Liability Litigation*, MDL No. 1657, an MDL action that has been established in the Eastern District of Louisiana.

For the reasons set forth in this Court's March 1, 2006 Order to Stay filed in 70 other cases (*see e.g., Reid, et al. v. Merck & Co., Inc., et al.*, 05-CV-6621L, Dkt. #23), Merck's motions to stay in these two cases are granted.

### CONCLUSION

Merck's motions to stay in *Farciglia et al. v. Merck & Co, Inc., et al.*, 06-CV-6090 (Dkt. #10) and *Maracle et al. v. Merck & Co., Inc., et al.*, 06-CV-6091 (Dkt. #9) are **GRANTED**.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
March 9, 2006.